

Message

From: Nishida, Jane [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=65E465E683C54E1B825F1BAD32DCB099-NISHIDA, JANE]
Sent: 4/8/2020 9:13:17 PM
To: Alex Dunn (dunn.alexandra@epa.gov) [dunn.alexandra@epa.gov]; Kovner, Karissa [Kovner.Karissa@epa.gov]
CC: William McIntosh (Chad) (mcintosh.chad@epa.gov) [mcintosh.chad@epa.gov]
Subject: FW: EPA input -- USMCA environmental assessment gaps analysis

FYI

From: Prescott, Jennifer Y. EOP/USTR <Jennifer_Prescott@ustr.eop.gov>
Sent: Wednesday, April 08, 2020 4:34 PM
To: McIntosh, Chad <mcintosh.chad@epa.gov>
Cc: Nishida, Jane <Nishida.Jane@epa.gov>; Leo, Diana <Leo.Diana@epa.gov>; Zimmer, Nathaniel <zimmer.nathaniel@epa.gov>; Stowe, Lauren C. EOP/USTR <Lauren.C.Stowe@ustr.eop.gov>
Subject: RE: EPA input -- USMCA environmental assessment gaps analysis

Hi Chad,

I spoke with our ag expert on the glyphosate issue, and while we are aware of the issue and have been pressing Mexico on it, it does not involve an environmental law or regulation of Mexico, nor does it have any clear relationship to Mexico's implementation of the USMCA Environment Chapter. Thus this would not fall within the scope of the assessment (I've pasted the text of Sec. 812 of the implementing bill outlining the scope of the assessment below for your reference). Likewise, the MEAs that you mention are not included in USMCA, so likely are not a good fit for the Environment Assessment either. And more broadly, any "gap" that we identify needs to have a clear plan and platform for resolution. All of that said, our ag team would be happy to discuss the pesticide issue further if useful. We appreciate EPA's continued consideration of USMCA implementation issues. We also stand ready to help on the OECD outreach.

Thanks, Jennifer

Sec. 812:

- (a) In General. — The Interagency Environment Committee shall carry out an assessment of the environmental laws and policies of the USMCA countries—
- (1) To determine if such laws and policies are sufficient to implement their environmental obligations;
 - and
 - (2) To identify any gaps between such laws and policies and their environmental obligations.

From: Prescott, Jennifer Y. EOP/USTR
Sent: Wednesday, April 8, 2020 10:37 AM
To: 'McIntosh, Chad' <mcintosh.chad@epa.gov>
Cc: Nishida, Jane <Nishida.Jane@epa.gov>; Leo, Diana <Leo.Diana@epa.gov>; Zimmer, Nathaniel <zimmer.nathaniel@epa.gov>
Subject: RE: EPA input -- USMCA environmental assessment gaps analysis

Thanks Chad. We will set up a call with our ag expert, who has been following this pesticide issue closely. But more urgently, I want to circle back on the OECD task force plan of action and outreach. I understand that we do NOT yet have Canada and Japan on board with our alternate proposal, and we have less than 24 hours to solidify their support. What is the plan for higher level outreach to both, as well as others like Chile and Korea? How can we/USTR be helpful? I'm happy to make calls today.

Thanks, Jennifer

From: McIntosh, Chad <mcintosh.chad@epa.gov>
Sent: Tuesday, April 7, 2020 3:22 PM
To: Prescott, Jennifer Y. EOP/USTR <Jennifer_Prescott@ustr.eop.gov>
Cc: Nishida, Jane <Nishida.Jane@epa.gov>; Leo, Diana <Leo.Diana@epa.gov>; Zimmer, Nathaniel <zimmer.nathaniel@epa.gov>
Subject: EPA input -- USMCA environmental assessment gaps analysis

Jennifer,

On our last call, you asked for input on for the USMCA environmental assessment gaps analysis. Please see below.

Chemical/Pesticide Regulation:

Mexico's repeated rejections of chemical/pesticide import permit applications from U.S. manufacturers are a significant and growing problem for both EPA and U.S. industry. The export of products such as glyphosate (active ingredient in Roundup) and other active ingredients have been stopped at the U.S.-Mexico border, despite having the appropriate permits. Mexico's Ministry of Environment (SEMARNAT) has stated the rejection of these imports is due to the high environmental risks to human health and the environment posed by such products and active ingredients. However, domestic regulations are either inconsistent with such statements or have not gone through a transparent domestic process with the appropriate notification to the World Trade Organization (WTO).

In addition, there is a lack of transparency regarding Mexico's implementation of multilateral environmental agreements to which it is a Party. Mexico does not seem to have the domestic regulations in place to implement, or consistently implement, those obligations. For example, Mexico's obligations under the Rotterdam Convention have been used as a reason to block chemical/pesticide imports from the U.S., yet the underlying domestic regulations do not appear to have been executed transparently or adequately. There are also multiple amendments to the Stockholm Convention that Mexico has ratified, but for which there are no apparent underlying domestic prohibitions.

We would be happy to arrange a call to discuss further or provide more detailed information

Chad

W.C. McIntosh
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